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**OFFICE OF PETITIONS**

In re Application of  
Richard A. Mathies et al.  
Application No. 09/199,655  
Filed: November 25, 1998  
Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop Petitions  
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Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond

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Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy